

8/ 579395
#22
1124101
3 January 2001
Hayes
8 Pages, Total

Fax to 703-308-7382
Mr. Ernest F. Karlson
Primary Examiner
Art Unit 2858
U.S. Patent & Trademark Office

Dear Mr. Karlson,

I called your office this morning and again this afternoon and left messages. I think I need your help to resolve a misunderstanding.

I enclose Exhibit 1 - your notice of Abandonment mailed 12-28-00.

I regret that you personally did not receive my timely response. Exhibit 2 is a copy of page 1 of my reply dated 24 March 2000.

We sent this by Airborne Express a day early - 23 March 2000. The receipt - Exhibit 3 - is signed by D. Courtright. He remembers sending the 106 page response to the Office.

Paragraph 3 of Page 1 (Exhibit 2 enclosed) says "Our payment for \$156.00 is enclosed, check #11341." Enclosed Exhibit 4 is a copy of this check endorsed on the back by the Office.


I think that the above shows conclusively that we timely sent, and also that the Office timely received our response of 24 March 00.

I will appreciate it if you will please cancel the action dated 12/28/00 - Exhibit 1, and so advise me at your early convenience. I thank you in advance.

If my response does not turn up, we are able to send you a copy. Exhibits 5A, 5B, and 5C enclosed are a copy of the Table of Contents.

Thank you for your assistance.

Sincerely,


William H. Swain
Inventor

FAX COPY RECEIVED
JAN 03 2001
TECHNOLOGY CENTER 2800



Exhibit #1
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/579395	12-28-95	SWAIN SWAIN	W

WILLIAM H SWAIN
 4662 GLEASON AVE
 SARASOTA FL 34242

MM91/1228

EXAMINER

E. KARLSEN

ART UNIT	PAPER NUMBER
----------	--------------

2858

21

DATE MAILED:

12/28/00

NOTICE OF ABANDONMENT

This application is abandoned in view of:

☒ Applicant's failure to timely file a proper response to the Office letter mailed on JAN. 24, 2000

☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

☒ No response has been received.

☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

☐ The issue fee has not been received.

☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) received on _____.

☐ The proposed new formal drawings filed _____ are not acceptable.

☐ No proposed new formal drawings have been received.

☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below:

Ernest Karlson

ERNEST KARLSEN
 PRIMARY EXAMINER

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JAN 03 2001

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William H. Swain

Serial Number 08/579,395
Art Unit: 2858*Exhibit 2*

24 March, 2000

Patent and Trademark Office
Commissioner of Patents and Trademarks
Washington, DC 20231Re:
William H. Swain, inventor
Error Correction by Selective Modulation
SN 08/579,395; Filed 12/27/95; Art 2213
Group 2858
703-308-5222, or 305-4900
Primary Examiner: Mr. Ernest F. KarlsonSubject: Reply to the Action of 24 Jan 2000.

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JAN 03 2001

Claim Cancellation and Added Claims: The Examiner wrote in paragraph 2:

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This can be done by putting a statement in the next amendment such as: "Cancel all claims except claims 32-62." Currently Applicant owes at least \$788.00 in added fees because claims 1-31 are still active. If all claims other than claims 32-62 are canceled Applicant will not owe anything additional.

Please cancel all claims except claims 32 through 66. Now only claims 32 through 62 are in the case, as amended, plus added claims 63, 64, 65, and 66. These are enclosed as pages C1 through C35 in-between pages 1 and 2 of this response.

I believe this does what the Examiner suggested plus add 4 claims. Our payment for \$156.00 is enclosed, check # 11341.

William H. Swain
*3-24-2000*General Summary of this Response:

All claims except claims 32 through 66 are canceled. Claims 32 thru 66 are sufficiently definite and supported by the enabling application. No claim is fully anticipated by a cited reference. Therefore, all claims should be allowed.

All of my claims include, in one form or another, a sensor having a good Essential Characteristic. Some, but by no means all sensors have this property.

You can test the sensitivities of a particular sensor to see if it has a good Essential Characteristic. It is good if its sensitivity Ψ to an undesired interference N changes a lot more than its sensitivity

Exhibit #3

FROM (Company) WILLIAM H SWAIN Street Address 239 FIELD END ST. City SARASOTA State FL ZIP CODE (Required) 34240 Sent by (Name/Dept) D CourtRight Phone Number 941-957-3110		Preprint Format No. 82853070 Origin SRQ Airbill Number 8673619150 Method of Payment Bill Sender 86762923 <input checked="" type="checkbox"/> Bill Sender <input type="checkbox"/> Bill Receiver <input type="checkbox"/> Bill 3rd Party <input type="checkbox"/> Paid In Advance Airborne Sender account no. <input type="checkbox"/> Airborne Receiver account no. <input type="checkbox"/> Airborne Customer account no. <input type="checkbox"/> Check No. <input type="checkbox"/> Amount \$ 1 Billing Reference will appear on invoice		5 Service Type One box must be checked with an "X". Assorted Express Services unless otherwise noted. <input checked="" type="checkbox"/> Express (Letter - 150 lbs) <input checked="" type="checkbox"/> Next Afternoon (Letter - 5 lbs) <input checked="" type="checkbox"/> Second Day (Letter - 150 lbs) Next Afternoon Shipments over 5 lbs will be charged at the Express rate. Next Afternoon delivery to full Res destinations only.	
TO (Company) Commissioner of Patents Street Address Patent & Trad City Washington State DC ZIP CODE (Required) 20231 Attention: (Name/Dept) Patent Response Phone Number (Important)		6 # of Pieces 1 7 Weight (LBS) 3 8 One box must be checked <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 4 Special Instructions <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Hold at Airborne <input type="checkbox"/> Extra Charge <input type="checkbox"/> Express Only <input type="checkbox"/> Not available at all locations <input type="checkbox"/> Lab Pack <input type="checkbox"/>		ASSENT A HIGHER SHIPMENT VALUATION. CARRIER LIABILITY IS LIMITED TO \$100 PER PACKAGE, OR ACTUAL VALUE, WHICHEVER IS LESS. SPECIAL OR CONSEQUENTIAL DAMAGES ARE NOT RECOVERABLE. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS NON-NEGOTIABLE AIRBILL. SCAC-AMS FED LO. NO. 81-0037-488	
Description Patent Response THANK YOU FOR SHIPPING WITH AIRBORNE EXPRESS		Declared Value <input type="checkbox"/> Full Insurance <input type="checkbox"/> Shipment Valuation .00 <input type="checkbox"/> or <input type="checkbox"/> \$.00 Received At <input type="checkbox"/> Drop Box # <input type="checkbox"/> Airborne Terminal		AIRBORNE EXPRESS. PO BOX 682, SEATTLE, WA 98111-0682 1-800-247-2676	
Sender's Signature D CourtRight Date 3/28/00 Airborne Signature Tommy Date 3/28/00 www.airborne.com		SENDER'S COPY			

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JAN 03 2001

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William H. Swain

Serial Number 08/579,395
Art Unit: 2858*Exhibit #5A*Table of Contents

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William H. Swain

Serial Number 08/579,395
Art Unit: 2858*Exhibit # 5B*

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